

Patent Application Serial No. 10/600,373
Amendment dated November 8, 2005

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Remarks

This Rule 116 amendment is made in response to the Office Action of August 10, 2005, and follows the telephone interview of November 7, 2005 during which the undersigned attorney indicated the nature of the amendments now being made. The undersigned thanks the Examiner for his courtesy and for agreeing to notify the undersigned after review of this amendment, which is being faxed to 571-273-1131 for the convenience of the Examiner as well as to the official fax 571-273-8300.

In the Office Action, claims 1-11 and 15-22 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Claim amendments are now made in independent claims 1 and 15 to overcome the rejection under 35 USC §112, first paragraph, this being done by deleting "immovably affixed," the words deemed objectionable, and replacing them with words used in the specification itself – *i.e.*, "in tolerance-fit tight mechanical engagement."

As noted in the telephone call with the Examiner, these words "in tolerance-fit tight mechanical engagement" are both clear and *in the specification*, thus eliminating the concerns expressed by the Examiner in the Office Action. At page 5, beginning at line 5, the specification states that the portion of the fin engaging the base member is "dimensioned to snugly engage the base-member-engaging portion of the fin," and then goes on to define "snugly" as referring to what is known as "pressure fits and tolerance fits." At page 6, lines 5-6, the specification states that the "fin is in *tight mechanical engagement* with the base portion." At page 12, beginning at line 10, there is again reference to a "*low-tolerance pressure fit*," and an indication that "pressure must be applied to trailing edge 74 to urge blade 32 transversely into channel 52 and interlocking engagement with plug base 47."

It was pointed out during the earlier telephone interview (March 15, 2005) and confirmed in the remarks in the amendment paper filed March 18, 2005 that the principal references, *i.e.*, Japanese Pub. No. 06-182770 ("the '770 reference") and Japanese Pub. No. 08-256046 ("the '046 reference"), are distinguished over by the words "immovably affixed," which the Examiner deems objectionable under 35 USC §112. However, the reasons earlier set forth for patentable

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distinction are equally applicable to the fully-supported words now used – *i.e.*, “in tolerance-fit tight mechanical engagement.” The distinction will be repeated here for convenience.

The “tolerance-fit tight mechanical engagement” of fin and base member is in stark contrast to what is disclosed in the ‘770 reference, the very essence of which involves a *movable* relationship between fin and base. This is seen in the drawings of the ‘770 reference, and in several places in the English translation. For example, about six lines up from the bottom of the English-language abstract, the ‘770 reference states as follows: “[T]he baffle plate 14 shifts relatively by the amount of the aforesaid eccentricity between it and the hole 19 of the embedding plug 18, while it is rotated with the embedding plug 18.” The translation in at least two locations uses the words “sliding of the cross direction of a baffle plate” to describe the relationship of plug and baffle.

The “tolerance-fit tight mechanical engagement” of fin and base member is also in stark contrast to what is disclosed in the ‘046 reference. Once again, the very essence of the fin-to-base-member relationship of the ‘046 reference is *movable*. The structure of the ‘046 reference has three parts -- a threaded plug 2 and a “baffle plate” 1 (to use the language of the English abstract), in addition to a fin. The relationship of the threaded plug to the “baffle plate” is far from an tolerance-fit tight mechanical engagement; instead, it merely involves ridge-in-groove rotational alignment. More important, the relationship of the fin to the “baffle device” is intentionally an adjustable relationship, showing that the fin is plainly *not* in tolerance-fit tight mechanical engagement with anything – and certainly not with the threaded plug. For all the reasons given in connection with the ‘770 reference, applicant’s amended claims 1 and 15 are also patentably distinguishable over the ‘046 reference.

Applicant’s specification lays out in some detail the significant problems with plug baffle devices of the prior art. Applicant’s invention overcomes such problems and provides important advantages. Amended claims 1 and 15 and their dependent claims are patentably distinguishable over the prior art.

As pointed out in yesterday’s brief telephone call, in addition to the amendments in independent claims 1 and 15 which place such claims 1 and 15 and their dependent claims in

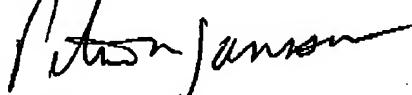
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condition for allowance, claim 16 is now cancelled. The "snug engagement" language used in dependent claim 16 is plainly redundant.

Applicant notes with appreciation the allowance of claims 12-14 and 23-25. With the amendments now made in independent claims 1 and 15, all claims in this application are fully in condition for allowance. Early favorable action is earnestly solicited.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents: (1) Transmittal Letter; (2) Amendment Transmittal Letter; (3) Amendment and Certificate of Facsimile Transmission all involving Serial No. 10/600,373 are being facsimile transmitted to Examiner Donald Heckenberg, Jr., Group Art Unit 1722 at the U.S. Patent and Trademark Office, facsimile nos. 571-273-1131 and 571-273-8300, on November 8, 2005.


Terasa Johnson